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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2012-08

13 **PATRICIA KAY MATHER**  
14 **1961 Main Street # 318**  
**Watsonville, CA 95076**  
**Registered Nurse License No. 385777**

**ACCUSATION**

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
21 Consumer Affairs.

22 2. On or about May 31, 1985, the Board of Registered Nursing issued Registered Nurse  
23 License Number 385777 to Patricia Kay Mather ("Respondent"). The Registered Nurse License  
24 was in full force and effect at all times relevant to the charges brought herein and will expire on  
25 August 31, 2012, unless renewed.

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1           8.     California Code of Regulations, title 16, section 1443, states:

2           "As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the  
3 failure to exercise that degree of learning, skill, care and experience ordinarily possessed and  
4 exercised by a competent registered nurse as described in Section 1443.5."

5           9.     California Code of Regulations, title 16, section 1443.5 states:

6           "A registered nurse shall be considered to be competent when he/she consistently  
7 demonstrates the ability to transfer scientific knowledge from social, biological and physical  
8 sciences in applying the nursing process, as follows:

9           "(1) Formulates a nursing diagnosis through observation of the client's physical condition  
10 and behavior, and through interpretation of information obtained from the client and others,  
11 including the health team.

12           "(2) Formulates a care plan, in collaboration with the client, which ensures that direct and  
13 indirect nursing care services provide for the client's safety, comfort, hygiene, and protection, and  
14 for disease prevention and restorative measures.

15           "(3) Performs skills essential to the kind of nursing action to be taken, explains the health  
16 treatment to the client and family and teaches the client and family how to care for the client's  
17 health needs.

18           "(4) Delegates tasks to subordinates based on the legal scopes of practice of the  
19 subordinates and on the preparation and capability needed in the tasks to be delegated, and  
20 effectively supervises nursing care being given by subordinates.

21           "(5) Evaluates the effectiveness of the care plan through observation of the client's physical  
22 condition and behavior, signs and symptoms of illness, and reactions to treatment and through  
23 communication with the client and health team members, and modifies the plan as needed.

24           "(6) Acts as the client's advocate, as circumstances require, by initiating action to improve  
25 health care or to change decisions or activities which are against the interests or wishes of the  
26 client, and by giving the client the opportunity to make informed decisions about health care  
27 before it is provided."

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17. At approximately 5:25 a.m., Respondent contacted the on-call physician for S.E. The on-call physician was given an incomplete report on S.E.'s status since being moved to the Telemetry unit and was not informed of BNP test results. Respondent did not document in S.E.'s chart her conversation with the on-call physician. Furthermore, Respondent did not at any time request that S.E. be transferred to a unit with a higher level of care given her condition.

18. At approximately 6:32 a.m., on February 3, 2006, S.E. went into respiratory arrest. She was resuscitated, but sustained brain damage which resulted in her being in a persistent vegetative state.

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence -- Failure to Timely Notify Physician)

19. Respondent is subject to discipline for gross negligence pursuant to Code section 2761(a)(1), in that she failed to timely notify the on-call physician of S.E.'s deteriorating condition as set forth above in paragraphs 11 through 17.

## SECOND CAUSE FOR DISCIPLINE

(Gross Negligence – Failure to Communicate Complete Information to Physician)

20. Respondent is subject to discipline for gross negligence pursuant to Code section 2761(a)(1), in that she failed to give the on-call physician a complete report on S.E., including the results of the BNP test, as set forth above in paragraph 17.

### THIRD CAUSE FOR DISCIPLINE

(Gross Negligence – Failure to Request Transfer)

21. Respondent is subject to discipline for gross negligence pursuant to Code section 2761(a)(1), in that she failed to intervene and request an order for the transfer of S.E. to a unit with a higher level of care, as set forth above in paragraphs 11 through 17.

#### FOURTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct- Failure to Document)

22. Respondent is subject to discipline for unprofessional conduct pursuant to Code section 2761(a), in that she failed to document her conversation with the on-call physician as set forth above in paragraph 17.

1 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
2 and that following the hearing, the Board of Registered Nursing issue a decision:

3 1. Revoking or suspending Registered Nurse License Number 385777, issued to Patricia  
4 Kay Mather.

5 2. Ordering Patricia Kay Mather to pay the Board of Registered Nursing the reasonable  
6 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
7 Code section 125.3.

8 3. Taking such other and further action as deemed necessary and proper.

9  
10 DATED: July 28, 2011

Louise R. Bailey  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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